

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO. 1163/2023 IN
FIRST APPEAL NO. 893/2018

The Divisional Manager, United India Insurance Company Ltd. Through Manager

Vs.

Jummasha S/o Bisamillasha and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Dr. C. C. Anthony, Advocate for appellant
Ms A.R. Sharma, Advocate for respondent Nos. 1 & 2
Ms Anita Mategaonker, Advocate for respondent No.7

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 09/08/2023

Present application is filed for grant of permission to withdraw the amount of compensation deposited by appellant/company. It appears that as per award passed by Motor Accident Claims Tribunal, Akola. Non applicant Nos. 1 and 2 and non applicant Nos. 3 and 4 were directed to deposit 50% - 50% of amount of compensation. It appears that New India Assurance Company/ non applicant No.2 has already deposited the amount of compensation of their shares and the appellant has deposited amount before this Court on 18/01/2019.

2. Learned Counsel for New India Insurance Company submitted that they have already deposited the amount in the claims Tribunal. At present the challenge to the

award by United India Insurance Company/Original non applicant No.4. Though they have deposited the amount, it is contended that there is technical difficulty. The award is challenged on the ground that it is a goods carrying vehicle and the deceased was travelling in the goods travelling vehicle. As such, not entitled for any compensation.

3. However, considering the reasons mentioned in the application, it would be appropriate to release 50% of amount so deposited by the appellant herein along with accrued interest that will serve the purpose at present. As such, application is partly allowed. Hence, I proceed to pass the following order :

ORDER

- i) Applicants/claimant Nos. 1 and 2 i.e. respondent Nos. 1 and 2 are hereby allowed to withdraw 50% of amount deposited by appellant.
- ii) Nazir is directed to release 50% of amount along with accrued interest in favour of respondent Nos. 1 and 2 (claimant Nos. 1 and 2) on usual undertaking to the effect that if appellant succeed in appeal the applicants were refund the amount as per final order, which would be passed in first appeal.

Application stands disposed of.